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10/016,615	10/30/2001	Cherisse M. Nicastro	TRIRG-01002US0	6575

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EXAMINER

BASIT, ABDUL

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/016,615

Applicant(s)

NICASTRO ET AL.

Examiner

ABDUL BASIT

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/27/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to Applicant's remarks received on 11/9/2007

Response to Applicant's remarks

1. Claims 1-24 are pending. All other claims have been withdrawn due to an election of restriction requirement.
2. Applicant argues that claims 1-24 are allowable. The office disagrees and maintains the rejection on all of these claims under 35 USC 102 or 35 USC 103. However, the 35 USC 112 rejections are withdrawn, since Applicant has amended the claims to overcome the rejection.
3. Applicant has provided arguments for claims 1, 2, and 5. The Office has responded to these arguments. For all other claims, Applicant argues that they are allowable since claims 1, 2 and 5 are allowable. Since claims 1, 2 and 5 have been rejected, all other claims remain rejected.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-17, 21 and 24 rejected under 35 U.S.C. 102(a) as being anticipated by Jeffrey Rankin's article, "Computer-assisted construction planning," (Thesis paper, published April, 2000, The University of British Columbia, 102 pages).

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Regarding claim 1:

Rankin teaches:

- A system for defining and managing an asset, comprising a data store for virtual area data provided on a computer coupled to a network, the virtual area data representing a portion of a three dimensional space for a project as a two dimensional hierarchical project structure; (see pages 23-30) and
- A data input and supplement toolset linking virtual area data to business objects. (see page 28).

Applicant argues that Rankin does not teach a virtual area data representing a portion of a three dimensional space for a project with a two dimensional hierarchical structure. The Office disagrees. On page 19, under the title, "Hierarchical interfaces," Rankin talks about information which is two dimensional that represents a project that is a data structure (described on pages 23-30) which is virtual since it exists in a computer reality, that represents a construction project which is inherently three dimensional.

Applicant also argues that there is no disclose a data input and supplement toolset linking. The Office disagrees. Since Rankin does teach a virtual area, inputs are linked to business objects, as one can see in figure 3.1 on page 26 and table 3.1 on page 27. Both show business objects such as cost, performance and time, whereby these objects are connected to the data structure taught by Rankin.

Claim 1 remains rejected.

Regarding claim 2:

Rankin further teaches the virtual area data is comprised of data arranged in a

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hierarchical data structure representing three-dimensional physical space and is assigned a function. (see page 19).

Applicant argues that Rankin does not teach data that is assigned a function. A function is defined as by American Heritage Dictionary as “a rule of correspondence between two sets such that there is a unique element in the second set assigned to each element in the first set.” Since the data is used to create a model, it is inherent that the data has an assigned function.

Therefore, claim 2 remains rejected.

Regarding claim 3:

Rankin further teaches that the virtual area data is linked to item specification data values comprising an item specification provided in a plurality of data fields describing the item. (see page 28-30).

Regarding claim 4:

Rankin teaches that the item specification data includes at least one attribute value, at least one component value, and at least one allocation value. (see page 28-30).

Regarding claim 5:

Rankin teaches that the data input and supplement toolset comprises a computer aided design software plug-in, where the virtual area defined in a graphical format able to be processed and displayed in a user interface by CAD software. (see page 15-16).

Applicant argues that Rankin does not teach a virtual area defined in graphical format that can process and display CAD software. The Office disagrees. On pages 15 and 16, Rankin teaches the ability to use CAD software in a virtual area.

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Regarding claim 6:

Rankin teaches that the system of claim 2 wherein the data input and supplement toolset comprises a item specification creation and editing tool.

Regarding claim 7:

Rankin teaches that the data input and supplement toolset includes an item procurement toolset. (*see page 27*).

Regarding claim 8:

Rankin teaches that the item procurement toolset includes a bid tool. (*see page 34*).

Regarding claim 9:

Rankin teaches that the item procurement toolset includes a request for quotation tool. (*see page 33*).

Regarding claim 10:

Rankin teaches that the data modification toolset includes a cost management toolset. (*see page 34*).

Regarding claim 11:

Rankin teaches that the data input and supplement toolset includes an estimate tool. (*see page 34*).

Regarding claim 12:

Rankin teaches that the data input and supplement toolset includes an invoice tool. (*see page 38*).

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Regarding claim 13:

Rankin teaches that the data input and supplement toolset includes a budget tool. (see page 34).

Regarding claim 14:

Rankin teaches that the data input and supplement toolset includes a payment tool. (see page 38).

Regarding claim 15:

Rankin teaches that the data input and supplement toolset includes an contract tool. (see page 27).

Regarding claim 16:

Rankin teaches that the data input and supplement toolset includes a teamwork toolset. (see page 27).

Regarding claim 17:

Rankin teaches that the project teamwork toolset includes a collaboration tool. (see page 27).

Regarding claim 21:

Rankin teaches that the data store contains links to other data in the system such that a change to one item or component is propagated to all linked data. (see pages 28-30).

Regarding claim 24:

Rankin teaches including an order fulfillment tool. (see page 58).

Claim Rejections - 35 USC § 103

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19-20,22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Burbridge et al. (US Pat. No. 6,868,370).

Regarding claim 19:

Burbridge , not Rankin, teaches that the project teamwork toolset includes a request for information tool. (*see column 6, lines 42-67, column 8 lines 47-59*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because a request for information tool helps information to move more efficiently between team members.

Regarding claim 20:

Burbridge, not Rankin, teaches that the project includes a design phase, a modification phase and a procurement phase, and data is entered and modified throughout each such phase. (*see column 2, lines 50-65, column 3 generally*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because having separate phases provides for better project management.

Regarding claim 22:

Burbridge, not Rankin, teaches that the data input system includes a CAD software plug-in. (*see column 5, lines 1-8*).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because a CAD software plug-in allows for more efficient project management.

Regarding claim 23:

Burbridge, not Rankin, teaches that the data store is updated such that information modified by users is instantly available to other users in the system. (see column 1, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because updating in real time allows for more efficient project management.

10. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Scott et al. (US Pub. No. 2002/0052862).

Regarding claim 18:

Scott, not Rankin, teaches that the project teamwork toolset includes a message center. (see page 8, ¶ 162).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Scott. Motivation to modify exists because a message center helps to process information more efficiently.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is (571)272-7246. The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

aqb

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694

<i>Application Number</i> 	Application/Control No. 10/016,615	Applicant(s)/Patent under Reexamination NICASTRO ET AL.	
	Examiner ABDUL BASIT	Art Unit 3694	